

**DEPARTMENT OF STATE REVENUE**

**LETTER OF FINDINGS NUMBER: 93-0323 CSET**

**CONTROLLED SUBSTANCE EXCISE TAX  
FOR TAX PERIODS: 1993**

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**ISSUE**

**1. CONTROLLED SUBSTANCE EXCISE TAX: IMPOSITION**

**Authority:** IC 6-7-3-5

Taxpayer protests the assessment of Controlled Substance Excise Tax.

**STATEMENT OF FACTS**

Taxpayer was arrested for possession of and dealing in marijuana. The Indiana Department of Revenue issued a record of Jeopardy Finding, Jeopardy Assessment Notice and Demand on January 26, 1993, in a base tax amount of \$6032.00. Taxpayer filed a protest to the assessment. A hearing was held by telephone on April 6, 1999. Further facts will be provided as necessary.

**Controlled Substance Excise Tax-Imposition**

**Discussion**

IC 6-7-3-5 imposes the Controlled Substance Excise Tax on the possession of marijuana in the State of Indiana. A Taxpayer has the burden of proving that the assessment is incorrect. The Indiana State Police Case Report and Indiana State Police Report of Laboratory Examination indicate that Taxpayer was in possession of 150.81 grams of marijuana. Taxpayer agreed that he was in possession of marijuana. Therefore, the tax properly applies to Taxpayer in this situation.

**Finding**

Taxpayer's protest is denied.